

**GARY D. GOCHIE,**  
  
**Plaintiff,**  
  
**vs.**  
  
**KEN BEAVER, et al.,**  
  
**Defendants.**

**ORDER**


In the Notice, NCDPS has provided the last known address of Defendant Powell whom, it represents, is currently on Family Leave. The Clerk of Court is directed to notify the United States Marshal that Defendant Powell needs to be served with the summons and Second Amended

Complaint, (Doc. No. 20), in accordance with Rule 4 of the Federal Rules of civil Procedure. If Defendant Powell cannot be served at the address provided by NCDPS, the U.S. Marshal shall be responsible for locating her home address so that she may be served. See 28 U.S.C. § 1915(d) (in actions brought *in forma pauperis* under § 1915, “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases.”); Fed. R. Civ. P. 4(c)(3) (“At the plaintiff’s request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915....”). If the U.S. Marshal is unable to obtain service on Defendant Powell, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose Defendant’s home address to the *pro se* incarcerated Plaintiff and shall file any document containing such address under seal.

**IT IS THEREFORE ORDERED that:**

1. The Motion to Deem Waivers of Service of Summons Timely Filed, (Doc. No. 36), is **GRANTED** as stated in this Order.
2. The U.S. Marshal shall use all reasonable efforts to locate and obtain service on Defendant **Powell** at her home address. If the U.S. Marshal is unable to obtain service on Defendant Powell, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.
3. The Clerk of Court is respectfully instructed to mail a copy of the Amended Complaint, (Doc. No. 20), the sealed Notice containing Defendant Powell’s last known address, (Doc. No. 35), and this Order to the U.S. Marshal.

Signed: July 30, 2019

  
Frank D. Whitney  
Chief United States District Judge 